

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08CRIM 529

UNITED STATES OF AMERICA :
----- xINDICTMENT- v. - :

08 Cr.

DAVID MESSINA, and :
THOMAS ALEXANDER,:
-----Defendants. :
----- x

:-----

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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COUNT ONE

The Grand Jury charges:

1. From at least in or about January 2008, up to and including in or about March 2008, in the Southern District of New York and elsewhere, DAVID MESSINA and THOMAS ALEXANDER, the defendants, unlawfully, willfully and knowingly did transport, transmit, and transfer in interstate and foreign commerce goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted and taken by fraud, to wit, MESSINA and ALEXANDER stole more than \$5,000 of health and beauty products from stores outside New York State, and then caused such products to be transported to New York City.

(Title 18, United States Code, Sections 2314 and 2.)

COUNTS TWO THROUGH NINE

The Grand Jury further charges:

2. From at least in or about January 2008, up to and including in or about March 2008, in the Southern District of New

York and elsewhere, DAVID MESSINA and THOMAS ALEXANDER, the defendants, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and did cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and did receive therefrom, and did cause to be delivered by mail and such carriers, according to the direction thereon, such matters and things, to wit, MESSINA and ALEXANDER, having devised a scheme to steal health and beauty products from stores in Minnesota and elsewhere, did cause the following items, as described in the table below, to be delivered by the United Parcel Service ("UPS") to the following addresses in the Southern District of New York:

Count	Item	Address Mailed to	Approximate Date of Mailing
2	Health and beauty products in a box with UPS tracking number 1ZA4X6680300072152	2559 Sedgwick Avenue, Apartment 7H, Bronx, NY 10468	March 20, 2008

3	Health and beauty products in a box with UPS tracking number 1ZA4X6680300072161	2559 Sedgwick Avenue, Apartment 7H, Bronx, NY 10468	March 20, 2008
4	Health and beauty products in a box with UPS tracking number 1ZA4X6680300072170	2559 Sedgwick Avenue, Apartment 7H, Bronx, NY 10468	March 20, 2008
5	Health and beauty products in a box with UPS tracking number 1ZA4X6680300072189	2559 Sedgwick Avenue, Apartment 7H, Bronx, NY 10468	March 21, 2008
6	Health and beauty products in a box with UPS tracking number 1ZA4X6680300072198	2559 Sedgwick Avenue, Apartment 7H, Bronx, NY 10468	March 21, 2008
7	Health and beauty products in a box with UPS tracking number 1ZA4X6680300072205	2559 Sedgwick Avenue, Apartment 7H, Bronx, NY 10468	March 21, 2008
8	Health and beauty products in a box with UPS tracking number 1Z0X86W60305374767	240 West 65 th Street, Apartment 18A, New York, NY 10023	March 24, 2008
9	Health and beauty products in a box with UPS tracking number 1Z0X86W60338707176	240 West 65 th Street, Apartment 18A, New York, NY 10023	March 24, 2008

(Title 18, United States Code, Sections 1341 and 2.)

FORFEITURE ALLEGATION

3. As the result of committing the offenses in violation of Title 18, United States Code, Sections 1341 and

2314, as alleged in Counts One through Nine of this Indictment, DAVID MESSINA and THOMAS ALEXANDER, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the charged offenses, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses charged in Counts One through Nine of this Indictment for which the defendants are jointly and severally liable.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C. § 2461, to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and Title 28, United States Code, Section 2461.)

Tom Lord
FOREPERSON

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DAVID MESSINA and THOMAS ALEXANDER,
Defendants.

INDICTMENT

08 Cr.

(18 U.S.C. §§ 2314, 1341 & 2)

MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL

Tom Loden

6/11/08

Foreperson.

6/11/08
Indictment Filed. Case assigned to
Fox, M.J. USA Mekaneit.